

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY



Order Filed on April 2, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In re: Rite Aid Corporation, et al.

Case No.: 23-18993
Chapter 11
Judge: Michael B. Kaplan

CONSENT ORDER FURTHER EXTENDING RULE 4007(c) DEADLINE FOR UNITED STATES TO FILE A COMPLAINT TO DETERMINE DISCHARGEABILITY OF CERTAIN DEBTS PURSUANT TO 11 U.S.C. 1141(d)(6)

DATED: April 2, 2024

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".
Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtors: RITE AID CORPORATION., *et al.*

Case No.: 23-18993 (MBK)

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**CONSENT ORDER FURTHER EXTENDING RULE 4007(c)
DEADLINE FOR UNITED STATES TO FILE A
COMPLAINT TO DETERMINE DISCHARGEABILITY
OF CERTAIN DEBTS PURSUANT TO 11 U.S.C. § 1141(d)(6)**

The relief set forth on the following pages numbered two (2) through four (4) is

ORDERED.

RECITALS

WHEREAS, on October 15, 2023, the Debtors commenced these Chapter 11 Cases;

WHEREAS, on December 20, 2023, the Debtors held a meeting of creditors pursuant to section 341 of the Bankruptcy Code;

WHEREAS, section 1141(d)(6) of the Bankruptcy Code provides, in relevant part, that “the confirmation of a plan does not discharge a debtor that is a corporation from any debt . . . (A) of a kind specified in paragraph (2)(A) or (2)(B) of section 523(a) that is owed to a domestic governmental unit . . .”;

WHEREAS, Bankruptcy Rule 4007(c) provides that “a complaint to determine the dischargeability of a debt under § 523(c) shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a),” which is February 18, 2024;

WHEREAS, Bankruptcy Rule 4007(c) provides further that “[o]n motion of a party in interest, after hearing on notice, the court may for cause extend the time fixed under this subdivision . . .”

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WHEREAS, the United States takes the position that the Rule 4007(c) Deadline does not apply to a determination of the nondischargeability of a debt pursuant to Section 1141(d)(6) and the Debtors disagree; and

WHEREAS, to avoid an unnecessary dispute and without conceding the applicability of section 523(c) or Rule 4007(c) to the United States' right to seek a determination of the dischargeability of a debt pursuant to section 1141(d)(6), the undersigned parties agreed to extend the Rule 4007(c) Deadline to March 11, 2024 for the United States, without prejudice to the United States' right to seek further extensions.

WHEREAS, on February 16, 2024, the Court extended the Rule 4007(c) Deadline to March 11, 2024.

WHEREAS, on March 18, 2024, the Court further extended the Rule 4007(c) Deadline to March 18, 2024.

WHEREAS, on March 18, 2024, the Debtors filed an application [Docket No. 2393] requesting the Court's approval of a further agreed extension of the Rule 4007(c) Deadline to March 25, 2024.

WHEREAS, the undersigned parties agree further extension of the deadline to April 11, 2024 for the United States is warranted to avoid an unnecessary dispute.

STIPULATION AND ORDER

NOW, THEREFORE, UPON THE FOREGOING RECITALS, WHICH ARE INCORPORATED AS THOUGH FULLY SET FORTH HEREIN, IT IS HEREBY AGREED, BY AND BETWEEN THE PARTIES, AND UPON COURT APPROVAL, IT IS HEREBY ORDERED THAT:

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Debtors:

RITE AID CORPORATION., *et al.*

Case No.:

23-18993 (MBK)

Caption of Order:

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1. To the extent section 523(c) or Bankruptcy Rule 4007 applies, the deadline by which the United States must file any complaints or take other action that may be required in these Chapter 11 Cases to determine the dischargeability of any debts arising from any civil actions by such domestic governmental unit against the Debtors pursuant to section 1141(d)(6) of the Bankruptcy Code shall be the latest of (a) April 11, 2024 or (b) such later date as may be ordered by the Court.

2. All rights to seek further extensions of the Rule 4007(c) Deadline are reserved.

3. Nothing in this Consent Order constitutes a determination that section 523(c) of the Bankruptcy Code or Bankruptcy Rule 4007(c) apply, or that any deadline exists for a governmental unit to seek a determination of dischargeability under section 1141(d)(6) of the Bankruptcy Code.

4. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Consent Order.

5. The signatories below have authority to enter into this Consent Order.

/s/ Michael D. Sirota

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U.S. DEPARTMENT OF JUSTICE

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